

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 6600 of 1988****For Approval and Signature:****HONOURABLE MR.JUSTICE K.A.PUJ**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - Whether this case involves a substantial question of law as to the interpretation of the
 - 4 constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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LT. COLONEL MUKHTIAR SINGH PANNU - Petitioner(s)
Versus
UNION OF INDIA & 2 - Respondent(s)

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Appearance :

MR S TRIPATHY for Petitioner(s) : 1,
MR DHAVAL M BAROT for Respondent(s) : 1 - 2.
RULE NOT RECD BACK for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ**Date : 03/02/2006****ORAL JUDGMENT**

1. The petitioner has filed this petition under Article 226 of the constitution of India,

praying for quashing and setting aside the proceedings of the Selection Board wherein the case of the petitioner has been considered and the petitioner has not been found suitable for promotion to the post of Colonel / Brigadier. The petitioner has also prayed for the direction to the respondent to consider the case of the petitioner with objectivity and promote him to the post of Colonel since 1985 when the Officer next junior to him was promoted and pay him the difference in salary between the promotional post and the post held by the petitioner. The petitioner has also prayed for the direction to consider the petitioner for promotion to the post of Brigadier as and when the petitioner is eligible for promotion to the said post.

2. The petition was admitted and rule was issued on 21.10.1988. While admitting the petition

the Court has made it very clear that admission of the matter will not preclude the respondents from raising contentions as regards maintainability of the petition on all available grounds. The Court has also not granted interim relief.

3. The petitioner has joined Indian Army as a regular Commissioned Officer in June 1963. The petition is filed in the year 1988. A separate forum is prescribed for ventilating the grievance of the Army Personnel. This Court has no jurisdiction to entertain this petition. It is only because of that, while admitting this petition, the Court has made the aforesaid observation. The petitioner might have retired by now and he might have lost interest in the matter. More than 17 years have passed. Though this Court is of the view that the petition is not maintainable inasmuch as this Court has no

jurisdiction to entertain this petition, the petition is dismissed for want of prosecution reserving liberty to the petitioner to approach this Court in case of difficulty or if need so arises in future.

4. Subject to the aforesaid observation, this petition is accordingly disposed off. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

kks